

II. REMARKS

Claims 1-20 are pending.

It is alleged in the Communication that the claims are directed to two independent and patentably distinct inventions, which have been set forth as follows:

Group I: claims 1-8 and 11-20, drawn to a toilet; and

Group II: claims 9 and 10, drawn to a method of operating a toilet.

Applicant respectfully traverses the restriction requirement for the reasons set forth below. Nevertheless, in order to be fully responsive to the Communication, the claims of Group I, claims 1-8 and 11-20 are provisionally elected for examination. Further, Species I (Fig. 3A) is provisionally elected for prosecution on the merits. Upon allowance of any allegedly generic claims, Applicant respectfully requests consideration of claims to additional species which will be written in dependent form or otherwise include all of the limitations of the allowed generic claim as provided by 37 CFR § 1.141.

The Restriction Requirement is traversed because it clearly would not constitute an undue burden for the Examiner to examine all of the claims together. In fact, the claims previously were examined together, and art relevant to the claims of both Groups was identified (see Office Action mailed October 25, 2002; e.g., claims 1, 2, 9 and 10 rejected under 35 U.S.C. 102(b) as allegedly anticipated by Campbell). Thus, it is clear from the previous Office Action that a search of all of the claims did not constitute an undue burden and revealed art relevant to claims in each of the Groups as set forth in the present Communication. As such, it is requested that the Restriction Requirement be removed for this reason.

In re Application of
Ulrich Braun
Application No.: 09/890,113
Filed: January 7, 2002
Page 7

PATENT
Attorney Docket No.: VOSS1170

CONCLUSION

Enclosed is Check No. 565969 in the amount of \$475.00 in payment of the three (3) Month extension of time fee. The Commissioner is hereby authorized to charge any other fees that may be associated with this communication, or credit any overpayment, to Deposit Account No. 50-1355.

Respectfully submitted,

Date: September 7, 2004



Lisa A. Haile, J.D., Ph.D.
Registration No. 38,347
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133
USPTO Customer No. 28213